

E-FILED on 2/3/2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

VIVIAN MICHELLE TITUS,

Defendant.

No. CR-06-00427 RMW

ORDER

The Probation Office has requested permission to disclose defendant's presentence report to the family of Arthur Graham because of suspicion that defendant may be engaged in conduct with respect to Mr. Graham that is similar to the behavior that led to her guilty plea in 2007. The court understands the Probation Office's concern, but feels that the proper procedure would be for the party seeking to view the presentence report to file a motion with the court explaining why such disclosure "is necessary to serve the ends of justice." *United States v. Schlette*, 842 F.2d 1574, 1579 (9th Cir. 1988) (citing *Berry v. Department of Justice*, 733 F.2d 1343, 1352 (9th Cir. 1984)). The movant should also address the "degree to which the information in the presentence report cannot be obtained from other sources." *Schlette*, 842 F.2d at 1584 (citing *United States v. Charmer Indus., Inc.*, 711 F.2d 1164, 1177 (2d Cir. 1983)). Finally, the movant must provide notice to the defendant.

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EDM

1 After considering such a motion, the court will issue an order determining whether disclosure is  
2 appropriate.

3  
4 DATED: February 3, 2012

  
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RONALD M. WHYTE  
United States District Judge

United States District Court  
For the Northern District of California